

AG Contract No. KR94 1512TRM  
ADOT ECS File No. JPA 94-108  
Project: NH 10-4(120)/H2378  
Section: I-10, Ruthrauff -  
Miracle Mile

CONTRACT

NO. 01-04-A-121171-0396  
01C  
AMENDMENT NO. \_\_\_\_\_  
This number must appear on all  
invoices, correspondence, and  
documents pertaining to this  
contract

INTERGOVERNMENTAL AGREEMENT  
BETWEEN

THE STATE OF ARIZONA

AND

PIMA COUNTY FLOOD CONTROL DISTRICT

THIS AGREEMENT is entered into 4 MARCH, 1996,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954,  
as amended, between the STATE OF ARIZONA, acting by and through its  
DEPARTMENT OF TRANSPORTATION (the "State") and PIMA COUNTY FLOOD  
CONTROL DISTRICT, acting by and through its BOARD OF DIRECTORS (the  
"District").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The District is empowered by Arizona Revised Statutes Section 48-3601 et seq. to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the District.

3. Incident to an improvement project on State highway I-10 from Ruthrauff to Miracle Mile contemplated by the State, the District has requested the State to install approximately 410 lineal feet of rigid concrete utility pipe under the I-10 roadway, to convey drainage away from and to prevent flooding in the Ruthrauff Road area, at an estimated cost of \$156,170.00, all at District expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>20547</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>03/04/96</u>
<u>Jane Lee Hull</u> Secretary of State
By <u>Vicky Greenwood</u>

## II. SCOPE

### 1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate District review comments.

b. Call for bids, and with the concurrence of the District, award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Obtain District concurrence on any Project related contract modifications. Be responsible for any contractor claims for extra compensation attributable to the State on the State's project.

c. Invoice the District for the reasonable direct actual cost of the Project in an amount estimated at \$156,170.00.

d. Upon completion, approve and accept the Project on behalf of the parties hereto and provide maintenance.

### 2. The District will:

a. Review the design documents and provide comments.

b. Retain the option to cancel the Project in the event of excessive cost.

c. Be responsible for any contractor claims for extra compensation attributable to the District.

d. Within 30 days after receipt of an invoice, reimburse the State for the reasonable direct actual cost of the Project, in an amount estimated at \$156,170.00.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State, and shall terminate on 31 December 2005 or upon completion of the duties contemplated herein, whichever is sooner.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Pima County Flood Control District  
Chief Engineer  
201 North Stone 3rd floor  
Tucson, AZ 85701

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

PIMA COUNTY FLOOD CONTROL  
DISTRICT

STATE OF ARIZONA  
Department of Transportation

By Paul Marsh  
PAUL MARSH, Chairman  
Board of Directors

By Peter L. Eno  
PETER L. ENO  
Contract Administrator

FEB 13 1996

ATTEST

FLOOD CONTROL DISTRICT

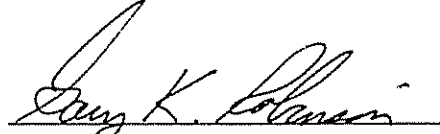
By Jane S. Williams  
JANE WILLIAMS  
Clerk of the Board

By \_\_\_\_\_  
TONY PAEZ  
Chief Engineer

RESOLUTION

BE IT RESOLVED on this 28th day of June 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with Pima County for the purpose of defining responsibilities for the design and construction of 410 lf of RCP on behalf of the County incident to the States's I-10, Ruthrauff to Miracle Mile project.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Chief Deputy State Engineer for approval and execution.

  
for: LARRY S. BONINE  
Director

RESOLUTION AND ORDER NO. 1996-FC- 1

RESOLUTION OF THE BOARD OF DIRECTORS OF THE PIMA COUNTY FLOOD CONTROL DISTRICT APPROVING AND AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN PIMA COUNTY FLOOD CONTROL DISTRICT AND THE ARIZONA DEPARTMENT OF TRANSPORTATION, FOR THE FUNDING AND CONSTRUCTION OF A CROSS-CULVERT UNDER INTERSTATE 10 TO PROVIDE FLOOD RELIEF TO THE RUTHRAUFF ROAD AREA IN PIMA COUNTY, ARIZONA.

WHEREAS, it is deemed to be in the public interest to establish an Agreement with the Arizona Department of Transportation for funding the construction of approximately 410 feet of 54-inch rigid concrete pipe under Interstate 10 to convey drainage from and to prevent flooding in the Gardner Lane, Wetmore Road, and Ruthrauff Road areas; and

NOW THEREFORE, UPON MOTION DULY MADE, AND CARRIED, BE IT RESOLVED:


THAT Pima County Flood Control District enter into an Agreement with the Arizona Department of Transportation to set forth the general terms and conditions for the funding of a cross-drainage culvert under Interstate 10, in accordance with the attached Agreement.

THAT the Chairman of the Board of Directors is hereby instructed and authorized to sign said Agreement for the Pima County Flood Control District Board of Directors.

PASSED, ADOPTED AND APPROVED THIS 13th day of FEBRUARY 1996.

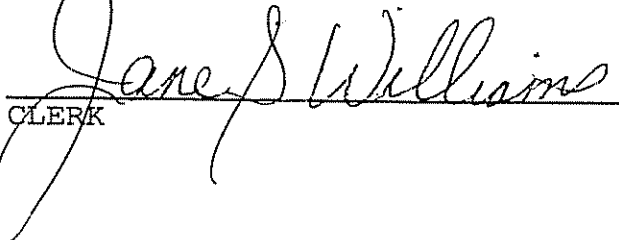
PIMA COUNTY FLOOD CONTROL DISTRICT  
BOARD OF DIRECTORS

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CHAIRMAN  
FEB 13 1996

  
\_\_\_\_\_  
DEPUTY COUNTY ATTORNEY

ATTEST:

  
\_\_\_\_\_  
CLERK

APPROVAL OF THE PIMA COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and PIMA COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 18<sup>th</sup> day of January, 1998/6

Chin & Carter

County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR94-1512-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 27th day of February, 1996.

GRANT WOODS  
Attorney General

A handwritten signature in dark ink, appearing to read "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr  
9042G